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8 Attorneys for Plaintiffs  
9 RITA BALDWIN; and J.C., by and through  
his Guardian Ad Litem, RITA BALDWIN  
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11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT**

13 **SAN JOSE DIVISION**

14 RITA BALDWIN; and J.C., by and through his  
15 Guardian Ad Litem, RITA BALDWIN,

16 Plaintiffs,

17 v.

18 CHARLES DANGERFIELD; JASON LARA;  
19 JOHN JEFFERSON; MIKE NELSEN; and  
DOES 1-25, inclusive,

20 Defendants.  
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Case No. CV-06-2467 JF (HRL)

**STIPULATED REQUEST TO VACATE  
TRIAL DATE AND SCHEDULE TRIAL  
SETTING CONFERENCE;  
[PROPOSED] ORDER**

STIPULATED REQUEST TO VACATE TRIAL DATE AND SCHEDULE TRIAL SETTING CONFERENCE;  
[PROPOSED] ORDER

Case No. CV-06-2467 JF (HRL)

Pursuant to Local Rule 6-2, Plaintiffs Rita Baldwin and J.C. and Defendants Charles Dangerfield, Jason Lara, John Jefferson, and Mike Nelsen, by and through their respective counsel of record, stipulate and agree as follows:

WHEREAS, trial of the above-captioned matter is currently scheduled for October 24, 2008;

WHEREAS, counsel for Plaintiffs has another trial scheduled to begin on October 20, 2008;

WHEREAS, counsel for Plaintiffs proposed continuing trial for a few weeks to November 7 or 14, 2008;

WHEREAS, Defendants are not available for a trial in November; and

WHEREAS, the parties have met and conferred and hereby jointly request a trial setting conference on September 19, 2008, or as soon thereafter as is convenient for the Court;

THEREFORE, it is hereby stipulated and agreed by Plaintiffs and Defendants, through their respective counsel of record, as follows:

The trial date is vacated. A new trial date will be chosen during the trial setting conference on September 19, 2008, or as soon thereafter as is convenient for the Court.

IT IS SO STIPULATED.

Dated: September 4, 2008

Burton, Volkmann & Schmal, LLP

By: /s/ Timothy J. Schmal  
Timothy J. Schmal

Attorneys for Defendant Mike Nelson,  
individually and in his capacity as a police  
officer for the City of Morgan Hill

Dated: September 4, 2008

Deputy Attorney General  
Office Of The Attorney General  
State of California

By: /s/ Troy B. Overton  
Troy B. Overton

Attorneys for Defendants Charles Dangerfield,  
Jason Lara and John Jefferson

1 Dated: September 4, 2008

Mayer Brown LLP

2  
3 By: /s/ Lee H. Rubin  
Lee H. Rubin

4 Attorneys for Plaintiffs Rita Baldwin and J.C.,  
5 by and through his Guardian Ad Litem, Rita  
6 Baldwin


7 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), Rena Chng hereby attests*  
8 *that the signatories' concurrence in the filing of this document has been obtained.*

9 **[PROPOSED] ORDER**

10 Pursuant to stipulation of the parties, the trial date is vacated. A new trial date will be  
11 chosen at the trial setting conference on 9/19, 2008. at 1:30 p.m.

12 **IT IS SO ORDERED.**

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15 Date: 9/8/08

16   
17 Honorable Jeremy Fogel  
18 United States District Judge  
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